



ONTARIO
RIVERS
ALLIANCE

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7 November 2016

The Standing Committee on Transport
Infrastructure and Communities
Submitted through Online Portal

RE: Review of Navigation Protection Act

Dear Sirs:

The Ontario Rivers Alliance (ORA) is a not-for-profit grassroots organization, acting as a voice for a number of river stewardship organizations, as well as members of the public and First Nations, that are concerned with protecting, conserving and restoring healthy aquatic riverine ecosystems.

ORA has grave concerns with respect to the *Navigation Protection Act*, which recently replaced the *Navigable Waters Protection Act*, and we welcome the opportunity to comment on the review of the *Act* that is being undertaken by this government.

The mandate of the previous *Navigable Waters Protection Act* was clearly defined in government documents as follows: “*The Navigable Waters Protection Program (NWPP) is responsible for the protection of the public right to navigation and the protection of the environment through the administration of the Navigable Waters Protection Act (NWPA)*” (our underline).

Unfortunately, the previous federal government gutted the *Act* by removing protection of the environment from its mandate and focusing it solely on protection of navigation on a tiny fraction of the larger rivers and lakes. To emphasize this change they renamed it the *Navigation Protection Act*.

Aquatic ecosystems are under great stress across Canada due to large development projects involving hydroelectric dams and reservoirs, oil and gas pipelines, power lines, mining and tailings ponds, and pollution associated with a variety of sources including agriculture, industry and residential and cottage development. As a result, aquatic ecosystems have been degraded and in some cases destroyed, many aquatic wildlife species are in steep decline or threatened with extinction, sources of drinking water have been contaminated, and climate change threatens to greatly magnify these problems.

The protection of aquatic ecosystems is of prime importance to Canadians; therefore, ORA requests that the revised *Act* fully reinstate the environmental protection of Canada’s aquatic ecosystems that was removed by the previous government. Additional safeguards must also be included to ensure that the *Act* meets modern standards for protection.

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Specifically, the revised Act must:

1. Be renamed the *Navigable Waters Protection Act* to emphasize that it has a focus on protection of aquatic ecosystems, and not simply on protection of navigation;
2. Reinstate the protection of all waterways and lakes and their ecosystems, rather than only a tiny percentage of such waterways as is currently the case.
3. Reinstate the oversight related to pipelines and power lines that was removed by the previous government, as these developments can have profound effects on aquatic ecosystems.
4. Require a full Environmental Assessment for all projects that require approval under the *Act*.
5. Strengthen the environmental protection that was afforded by the original *Act* to meet current needs, and to ensure that development, especially major development such as pipelines, hydroelectric facilities, mines and associated tailings ponds, etc., do not have substantial negative effects on aquatic ecosystems.
6. Implement strict safeguards for waterways within the framework of the United Nations-recognized human right to water.
7. Incorporate the obligation to obtain free, prior and informed consent.
8. Develop provisions that establish a community's right to say "no" to projects that threaten waterways.

In addition, we ask that the government conduct full and open public consultations to determine how to best strengthen the environmental protection of the Act.

Thank you for this opportunity to comment!

Sincerely,

Linda Heron
Chair, Ontario Rivers Alliance
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